

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6603 OF 2003

Mr.V.P.Sawant i/b M/s.Desai & Chinoy for the
Petitioner.

Mr.Uday Warunjikar for Respondent No.1

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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CORAM: D.K.DESHMUKH, J.

DATED: 8TH JUNE, 2005

P.C.:

Rule. Returnable forthwith. Heard
finally by consent of parties.

1. Considering that the Petitioner
is Public Sector Undertaking and
that the Petitioner has not made a
proper application for setting aside
the order passed by the trial court
for suit to proceed without written
statement, in my opinion, interest
of justice would be served by
following order.

O R D E R

(a) In case the Petitioner makes an application to the trial court within a period of two weeks from today seeking an order for setting aside the order made by the trial court in the suit to proceed without written statement and for permission to file the written statement, the trial court shall decide that application in accordance with law after granting an opportunity of being heard to the Respondent on its own merits without being influenced by the order that is impugned in the petition.

(b) Till such an application is decided, the trial court shall not pass any decree in the suit on the basis that there is no written statement in the suit.

(c) The trial court shall, in case an application is made as directed

above, decide the application as expeditiously as possible, in any case within a period of eight weeks from the date on which the application is filed.

(d) In case the Petitioner does not make an application within the aforesaid period of two weeks, the trial court shall immediately proceed to pass final decree in the suit in the absence of written statement.

Rule made absolute accordingly with no order as to costs.

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